

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DANA NICHOLS,  
Plaintiff,

vs.

GENESIS ELDERCARE  
MANAGEMENT SERVICES, INC.,  
Defendant

MAGISTRATE JUDGE Alexander  
Civil Action No.

RECEIPT # 58769  
AMOUNT \$150  
SUMMONS ISSUED N/A  
LOCAL RULE 4.1     
WAIVER FORM     
MCF ISSUED     
BY DPTY. CLK. F. O. M.  
DATE 9/17/04

**NOTICE OF REMOVAL**

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS:**

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Genesis Eldercare Management Services, Inc. ("Genesis") hereby gives notice of the removal to this Court of the above-captioned civil action, commenced by plaintiff Dana Nichols in the Commonwealth of Massachusetts Superior Court, Middlesex County, Civil Action No. 04-3361-L2. As grounds for the removal, Genesis respectfully states:

1. The Complaint was served on Genesis on or about September 8, 2004.
2. Genesis is a Delaware corporation with its principal place of business in Kennett Square, Pennsylvania.
3. Plaintiff Dana Nichols is an individual who resides at 7 Briarcliff Drive, Nashua, New Hampshire.
4. This Court has original diversity jurisdiction over this matter under the provisions of 28 U.S.C. §1332(a) because defendant Genesis is a Delaware corporation with its principal place of business in Pennsylvania, plaintiff is a citizen of New

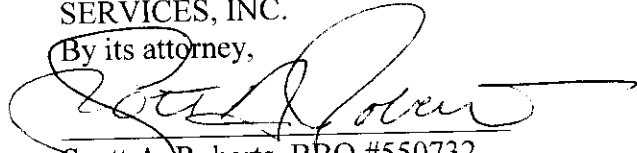
Hampshire, and, based upon demands received from plaintiff's counsel, the amount in controversy exceeds \$75,000.

5. Pursuant to 28 U.S.C. §§ 1441 and 1446, Genesis is entitled to remove the plaintiff's action to this Court because this Court has original jurisdiction over this matter under the provisions of 28 U.S.C. §1332, this Court embraces the place where the action is pending, and defendant Genesis is not a citizen of Massachusetts.

6. Pursuant to 28 U.S.C. §1446(a), copies of all process and pleadings served on defendant in this action – a summons, complaint, and tracking order – are attached hereto as Exhibit A.

GENESIS ELDERCARE MANAGEMENT  
SERVICES, INC.

By its attorney,



Scott A. Roberts, BBO #550732

Sullivan Weinstein & McQuay, P.C.

Two Park Plaza, Suite 610

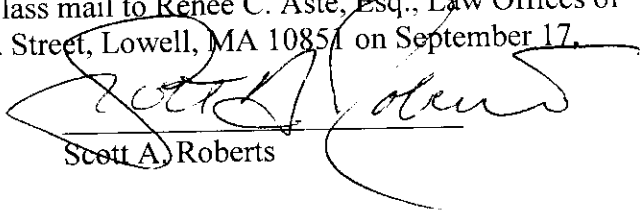
Boston, MA 02116-3902

617-348-4300

Dated: September 17, 2004

**CERTIFICATE OF SERVICE**

I, Scott A. Roberts, hereby certify that a copy of the foregoing document was served by mailing same, postage prepaid, first class mail to Renee C. Aste, Esq., Law Offices of Robert J. Carnvale, PC, 700 Chelmsford Street, Lowell, MA 01851 on September 17, 2004.



Scott A. Roberts